UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,276	12/29/2000	Justin E. Pedro	05288.00003	6489

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/750,276	PEDRO, JUSTIN E.
		Examiner	Art Unit
		Maikhanh Nguyen	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 9-11</u> is/are pending in the application.

    4a) Of the above claim(s) <u>7 and 8</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 9-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment filed 02/04/2005

to the original application filed 12/29/2000.

2.   Claims 1-6 and 9-11 are currently pending in this. Claims 1, 4, and 9 are independent

claims.

3.   The rejection of claims 5-6 under 35 U.S.C. 112 second paragraph as being indefinite as

been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3-6, 9, and 11 remain rejected under 35 U.S.C. 102(e) as being anticipated by

Gao et al. (US 2002/0032701 – filed 07/2001, priority 09/2000).

<u>As to independent claim 1:</u>

Gao teaches a computer *(e.g., the client device 102; para.0042)* with a display *(e.g., the display 306; para.0042)* projecting a graphical user interface *(e.g., graphical user interface / Web browser; para.0031)* to a user *(e.g., at the client device; para.0031)*, the graphical user interface displaying form content and HTML content *(e.g., a banner image 410; "Text Information Line 1"412 ...416; images 418; table of information; multimedia viewers 422; and on-screen playback controls 424; para.0043 and Fig.4)* in a common window *(e.g. display area 408 of the page window 400; para.0043)*.

As to dependent claim 3:

Gao teaches the form content and the HTML content are displayed in a Java applet execution a browser *(e.g., Java applets ... executed ... browser; para.0016)*.

<u>As to independent claim 4:</u>

Gao teaches a method for displaying form content and HTML content *(Fig.4)* comprising the following steps:

(i)   running a Java applet *(e.g., the Java applets ... must be executed; para.0016)*;

(ii)   opening a window *(e.g., the Web page will appear ... on the display 306 of the client device; para.0042)* ;

(iii)   populating the window with form content generated at least by the running Java applet *(Fig.4 and associated text on paras.0042-0043)*; and

(iv)   populating the window with HTML content *(e.g., On the display, within a working space or display area 408 of the page window 400, are the contents, or page elements; para.0043)*.

As to dependent claim 5:

Gao teaches monitoring for an event requesting a new form; in response to the form

request event, displaying a new form in the window *(Fig.2 and associated text).*

As to dependent claim 6:

Gao teaches monitoring for an event requesting a new form; in response to the HTML

content request event displaying new HMTL content in the window *(Fig.5 and*

associated text).

As to independent claim 9:

Gao teaches a system for displaying forms and HTML content *(Fig.4)* comprising:

(i)   a display *(e.g., the display 306; para.0042)* displaying a graphical user interface

         (e.g., graphical user interface / Web browser; para.0031) having at least one

         window *(e.g., On the display, within a working space or display area 408 of the*

         page window 400, are the contents, or page elements; para.0043);

(ii)   a processor *(e.g., client 102;Fig.1)* running a browser program (e.g., browser 110;

         Fig.1) and outputting information to the display *(e.g., for the display; para.0031)*;

         wherein the processor receives form content from a Java applet and HTML

         content from the Java applet *(e.g., the Java applet may provide dynamic display of*

         information in the user's Web browser ... Java applet; para.0017), combines the

         form content and the HTML content in a browser program and outputs the

         combined content to the display *(e.g., On the display, within a working space or*

         display area 408 of the page window 400, are the contents, or page elements

         ..."Text·Information Line 1"412 ...416; images 418; table of information;

         multimedia viewers 422; and on-screen playback controls 424; para.0043).

As to dependent claim 11:

Gao teaches the Java applet includes handling of activation of a back button *(e.g., the*

viewers generally include on-screen playback controls that permit a user to move

forward, reverse; para.0043 and Fig.4).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **Gao**

in view of **Kulkarni et al.** (U.S. 6,310,630 – filed 12/1997).

As to dependent claim 2:

a.   Gao does teach the graphical user interface and the form content, but does not

explicitly teach the use of tabs.

b.   Kulkarni teaches the use of tabs *(col.8, lines 18-29).*

c.   It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to include the feature from Kulkarni in the system of Gao

because it would have provided the capability for conveniently reviewing the

previous page and the next page of the Web document.

As to dependent claim 10:

a.   Gao teaches the Java applet presents the form content in a window *(para.0042)*,

      but does not explicitly teach the use of tabs.

b.   Refer to discussion of claim 2 above for the use of tabs.

Response to Arguments

6.   Applicant's arguments filed 02/04/2005 have been fully considered but they are not

persuasive.

Applicant argues that *Gao fails to disclose the use of form elements as claimed in the*

common window. (Remarks, page 5, lines 13-15)

In response, the recitation "the use of **form elements** as claimed in **the common**

window" has not been given patentable weight because the recitation occurs in the

preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of

the claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190

USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481

(CCPA 1951).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

WILLIAM BASHORE
PRIMARY EXAMINER
6/22/205